

PTO/SD/25 (10-00)

Approved for use through 10/31/2002, OMB 0551-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBLIVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND  
APPLICATIONDocket Number (Optional)  
8330-000202/DVB

In re Application of: Timothy J. Boyd, et al.

Application No. 10/034,593

Filed: December 28, 2001

For: Blow Molding Machine For Producing Pasteurizable Containers (As Amended)

The owner, Schmalbach-Lubeca AG of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 158 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/006,659, filed on November 12, 2001. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 158 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is rejected, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or record.



Christopher Irvin  
Signature

01/26/2004  
Date

Christopher Irvin

Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.**

\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SD/88 may be used for making this certification. See MPEP § 324.

02/25/2004 KBUTLER 00000001 080750 10034593  
Sale Ref: 00000001 DAH: 080750 10034593  
01 FC:1814 110.00 **Disclaimer Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

02/25/2004 KBUTLER 00000001 080750 10034593  
110.00 D  
01 FC:1814

PAGE 44 \* RCVD AT 1/26/2004 11:26:20 AM (Eastern Standard Time) \* SVR:USPTO-EFXRF-1/24 \* DHIS:2731136 \* CSID:248 641 0270 \* DURATION (in mins):01:04